

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD REOTT and CAROL REOTT,

Plaintiffs,

vs.

PFIZER, INC.,

Defendant.

:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 05-359

JURY TRIAL DEMANDED

JUDGE JOY FLOWERS CONTI

4

COMPLAINT

Plaintiffs, EDWARD REOTT and CAROL REOTT, his wife, by their attorneys, EGAN & JAMIOLKOWSKI, file this Complaint in Civil Action against the Defendant, respectfully averring as follows:

I.

The causes of action herein are based upon diversity of citizenship of the parties and the amount in controversy which is in excess of Seventy Five Thousand Dollars exclusive of costs, interest and attorneys fees, as authorized by 28 U.S.C. §1332(a) and §1441.

II.

Plaintiffs, Edward Reott and Carol Reott, husband and wife, are individuals who are citizens of the Commonwealth of Pennsylvania and reside at 200 Fleming Park Road, Kennedy Township, Allegheny County, Pennsylvania 15136.

III.

Defendant, Pfizer, Inc., is a corporation organized and existing under the laws of the State of New Jersey, with its principal office located in the State of New York at 235 East 42nd Street New York, New York 10017.

IV.

At all times aforesaid, the Defendant is the successor corporation to the Warner-Lambert Corporation, a pharmaceutical corporation which prepared, developed, invented, designed, manufactured, tested, advertised, promoted, sold and/or distributed to the general public the drug Gabapentin, with the product name Neurontin, hereinafter referred to as "Neurontin," which was approved by the United States Food and Drug Administration for patients with certain seizure disorders.

V.

At all times heretofore, the Defendant and its predecessor advertised, promoted and provided medical information and literature to doctors and medical professionals through an illegal marketing scheme in order to increase the sales for its drug by actively promoting the use of Neurontin as a pain medication to treat patients with chronic pain syndrome as well as other medical conditions unrelated to seizure disorders.

VI.

At all times aforesaid, the Defendant and its predecessor in Pennsylvania and throughout the United States actively and in violation of Federal laws and regulations advertized and promoted the safety and efficacy of using the drug Neurontin to treat pain disorders as well as other "off-label" uses for its product.

VII.

The illegal activities included, but were not limited to, sponsoring and paying doctors and medical liaisons to produce articles, case studies and misinformation to the medical community promoting the safety of Neurontin as a medication in the treatment of pain disorders.

VIII.

At all times heretofore, Husband Plaintiff suffers from a chronic pain disorder.

IX

On or about April 25, 2002, Danielle Dolence, M.D. and Robert M. Sutherland, of New Vista Pain Management, in Moon Township, Allegheny County, Pennsylvania , began prescribing for Husband-Plaintiff the drug Neurontin in treating his pain disorder.

X.

At all times aforesaid, the drug Neurontin was invented, prepared, designed, manufactured, tested, approved, advertised, promoted, distributed and sold by defendants into the stream of commerce, where it was prescribed, purchased and used by Husband-Plaintiff as intended by the Defendant for a condition or use which was not tested and approved by the United States Food and Drug Administration and was marketed and/or promoted to pain management physicians using illegal and fraudulent methods and/or materials.

XI.

At all times aforesaid, the drug Neurontin was and is defective and unreasonably dangerous for use as a pain management medication and it caused Husband-Plaintiff severe and permanent injuries and damages, including, but not limited to, mental and physical impairment, pain and suffering, loss of enjoyment of life, medical expenses, lost income and other economic damages as well as damages for loss of consortium suffered by Wife-Plaintiff.

XII.

At all times aforesaid, Defendant, acting through its agents, servants and/or employees, knew or should have known of the aforesaid defects which created a dangerous condition for persons using Neurontin as a pain medication.

XIII.

Defendant failed to warn of the said defects and failed to recall and/or remedy the defects and hazards of the said drug although known to the defendant long before April 25, 2002.

XIV.

Defendant is liable to the Plaintiffs for its reckless, willful, negligent and wanton conduct as aforesaid and is also strictly liable under Pennsylvania law for damages by placing a defective product into the stream of commerce and for breaching expressed and implied warranties which resulted in the injuries and damages to the Plaintiffs as aforesaid.

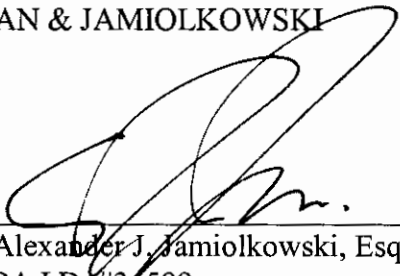
WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS together with punitive damages, costs of suit as well as other and further relief as the Court may deem proper.

A JURY TRIAL IS DEMANDED.

Respectfully submitted:

EGAN & JAMIOLKOWSKI

Date: May 27, 2005

By: 
Alexander J. Jamiolkowski, Esquire
PA I.D. #34599

1609 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 765-2120

ATTORNEYS FOR THE PLAINTIFFS

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD REOTT and CAROL REOTT,	:	
	:	CIVIL ACTION NO. 05-359
Plaintiffs,	:	
	:	JURY TRIAL DEMANDED
vs.	:	
	:	
PFIZER, INC.,	:	
	:	JUDGE JOY FLOWERS CONTI
Defendant.	:	

CERTIFICATE OF SERVICE

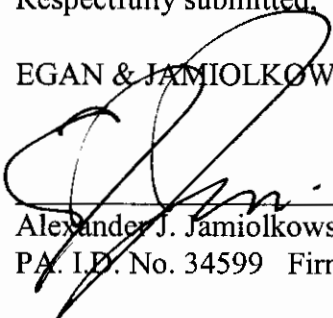
I hereby certify that a true and correct copy of the foregoing Complaint in Civil Action was served upon the following counsel of record by U.S. First Class mail, postage prepaid on this 27th day of May, 2005:

John W. Frazier, IV, Esquire
John E. Caruso, Esquire
Richard G. Placey, Esquire
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109-1099

Respectfully submitted,

EGAN & JAMIOLKOWSKI

Date: May 27, 2005



Alexander J. Jamiolkowski, Esquire
PA. I.D. No. 34599 Firm No. 222

1609 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 765-2120

ATTORNEYS FOR THE PLAINTIFFS

CLOSED

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:05-cv-00359-JFC**

REOTT, et al v. PFIZER INC.
Assigned to: Judge Joy Flowers Conti
Demand: \$75000
Case in other court: Allegheny County, GD05-2748
Cause: 28:1441 Notice of Removal-Product Liability

Date Filed: 03/17/2005
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

EDWARD REOTT

represented by **Alexander J. Jamiolkowski**
Egan & Jamiolkowski
428 Forbes Avenue
1609 Lawyers Building
Pittsburgh, PA 15219
(412) 765-2120
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

CAROL REOTT

represented by **Alexander J. Jamiolkowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

PFIZER INC.

represented by **James E. Murray**
Davis, Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

CERTIFIED FROM THE RECORD
Date 7/27/05
ROBERT M. GARDNER, JR., CLERK
By [Signature]
Deputy Clerk

James Rouhandeh
Davis, Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John E. Caruso

Montgomery, McCracken, Walker &
Rhoads
123 South Broad Street
24th Floor
Philadelphia, PA 19109
(215) 772-1500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John W. Frazier, IV
Montgomery, McCracken, Walker &
Rhoads
123 South Broad Street
24th Floor
Philadelphia, PA 19109
(215) 772-1500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard G. Placely
Montgomery, McCracken, Walker &
Rhoads
123 South Broad Street
24th Floor
Philadelphia, PA 19109
(215) 772-1500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/17/2005	1	NOTICE OF REMOVAL by PFIZER INC. from Court of Common Pleas of Allegheny County with copy of Praecipe for Writ of Summons at No. GD 05-2748 attached. FILING FEE \$ 250.00 RECEIPT # 05002665 (tt) (Entered: 03/17/2005)
03/18/2005	2	DISCLOSURE statement by PFIZER INC. (ksa) (Entered: 03/18/2005)
03/28/2005	3	ORDER ON MOTION PRACTICE dated 3/28/05 as stated more fully in order. (signed by Judge Joy F. Conti on 3/28/05) CM all parties of record. (plh) (Entered: 03/28/2005)
05/27/2005	4	COMPLAINT with jury demand by EDWARD REOTT and CAROL REOTT (tt) (Entered: 05/31/2005)
06/17/2005	5	Stipulation by EDWARD REOTT, CAROL REOTT, PFIZER INC. Extending Time for deft to answer until 7/20/05 . (tt) (Entered: 06/17/2005)
06/17/2005		Deadline updated; set Answer deadline to 7/20/05 for PFIZER INC. (tt) (Entered: 06/17/2005)

07/18/2005	6	Conditional Transfer Order received from the Judicial Panel on Multi-District Litigation. (Attachments: # 1 cover letter from MDL) (jsp,) (Entered: 07/21/2005)
07/21/2005	7	ANSWER to Complaint by PFIZER INC..(jsp) (Entered: 07/21/2005)
07/21/2005	8	Conditional Transfer Order received from the Judicial Panel on Multi-District Litigation. (jsp) (Entered: 07/22/2005)
07/26/2005		Case transferred to District of Massachusetts. Original file, certified copy of transfer order, and docket sheet sent. (jsp) (Entered: 07/26/2005)

FEE PAID
RCPT# 2665
1538

9/1/2005
M.P.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

EDWARD REOTT and
CAROL REOTT,

Plaintiffs,

v.

PFIZER INC.,

Defendant.

05-0359

Civil Action No. _____

1

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, *et seq.*, Defendant Pfizer Inc. ("Defendant") hereby removes this action from the Court of Common Pleas of Allegheny County, Pennsylvania, in which it is now pending, to the United States District Court for the Western District of Pennsylvania.

Defendant avers that:

1. The Praecipe for Writ of Summons in this action was filed in the Court of Common Pleas of Allegheny County, Pennsylvania, where it was docketed at Docket No. GD 05-2748. Defendant was served with a copy of the Praecipe for Writ of Summons in this matter on February 16, 2005, and thus this removal is timely under 28 U.S.C. § 1446(b).

2. This is a civil action of which this Court has original jurisdiction under 27 U.S.C. § 1332(a) because it is an action between citizens of different states and, upon information and belief, the matter in controversy exceeds \$75,000, excluding interest and costs.

3. Upon information and belief, Defendant avers that Plaintiffs are citizens of the Commonwealth of Pennsylvania.

4. Pfizer Inc. is a corporation formed under the laws of Delaware and has its principal place of business in New York, and thus is a citizen of Delaware and New York.

5. Accordingly, Plaintiffs and Defendant are, and have been since institution of this action, citizens of different states.

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 and, therefore, this action is removable from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. § 1441.

7. A copy of the Praecipe for Writ of Summons, which constitutes all process, pleadings and orders served upon Defendant, is attached as Exhibit A in accordance with 28 U.S.C. § 1446(a).

8. This notice is timely, it being filed within thirty days of the receipt by Defendant of the Praecipe for Writ of Summons.

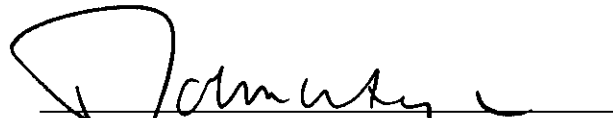
9. Defendant will file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Allegheny County, Pennsylvania, pursuant to 28 U.S.C. § 1446(d) and serve same as set forth in the attached Certificate of Service.

WHEREFORE, Defendant removes this action from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

Date: March 16, 2005

By:



John W. Frazier, IV (PA 17064)

John E. Caruso (PA 23379)

Richard G. Placey (PA 37713)

MONTGOMERY, McCRACKEN, WALKER &
RHOADS, LLP

123 South Broad Street

Philadelphia, PA 19109-1099

Tel: 215-772-1500

Fax: 215-772-7620

Email: jfrazier@mmwr.com,

jcaruso@mmwr.com,

rplacey@mmwr.com

Of counsel:

James Rouhandeh

James E. Murray

Davis Polk & Wardwell

450 Lexington Avenue

New York, NY 10017

*Counsel for Defendant
Pfizer Inc.*

EXHIBIT A

WRIT OF SUMMONS IN CIVIL ACTION
TO DEFENDANT(S): You are notified that the plaintiff(s)
has/have commenced an action against you which you are
required to defend.

Date 2-1-05 Michael Lamb, Prothonotary

Returnable 3-3-05 [Signature] Deputy

) SHERIFF

) SURCHARGE

) MILEAGE

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

EDWARD REOTT and CAROL REOTT,
his wife,

Plaintiffs,

v.

PFIZER, INC., a Delaware Corporation,

Defendant.

CIVIL DIVISION

No. GD 05-

2748
**PRAECIPE FOR WRIT OF SUMMONS
IN CIVIL ACTION**

JURY TRIAL DEMANDED

CODE: 004

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

ALEXANDER J. JAMIOLKOWSKI
PA I.D. No. 34599

EGAN & JAMIOLKOWSKI
Firm No. 222

Suite 1609, Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
(412) 765-2120

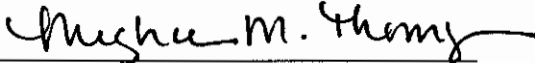
CERTIFICATE OF SERVICE

I, Meghan M. Thomsen, Esquire, hereby certify that on this 16th day of March, 2005, I caused a true and correct copy of the foregoing *Notice of Removal* to be served by United States First Class Mail, postage prepaid, upon the following persons:

Alexander J. Jamiolkowski, Esquire
EGAN & JAMIOLKOWSKI
Suite 1609, Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
Counsel for Plaintiffs

I further certify that upon receipt of the time-stamped copy of the Notice of Removal back from the United States District Court for the Western District of Pennsylvania, I will cause that copy of the foregoing to be served by United States first class mail, postage prepaid, upon the following at the address listed below:

Office of the Prothonotary
County of Allegheny
First Floor -- City-County Building
414 Grant Street
Pittsburgh, PA 15219-2469


Meghan M. Thomsen

MONTGOMERY, McCRACKEN, WALKER & R. JADS, LLP
ATTORNEYS AT LAW

JOHN W. FRAZIER, IV
ADMITTED IN PENNSYLVANIA

DIRECT DIAL
215-772-7220

jfrazier@mmwr.com

123 SOUTH BROAD STREET
AVENUE OF THE ARTS
PHILADELPHIA, PA 19109
215-772-1500
FAX 215-772-7620

LIBERTYVIEW
457 HADDONFIELD ROAD, SUITE 600
CHERRY HILL, NJ 08002
856-488-7700
FAX 856-488-7720

300 DELAWARE AVENUE, SUITE 750
WILMINGTON, DE 19801
302-504-7800
FAX 302-504-7820

1235 WESTLAKES DRIVE, SUITE 200
BERWYN, PA 19312
610-889-2210
FAX 610-889-2220

March 16, 2005

By Federal Express

Robert V. Barth, Jr.
Clerk of Court
United States District Court for the
Western District of Pennsylvania
U.S. Post Office & Courthouse
Seventh Avenue & Grant Street
Pittsburgh, PA 15219

Re: Edward & Carol Reott v. Pfizer Inc.
C.C.P., Allegheny County, Pennsylvania, Docket No. GD-05-2748

Dear Mr. Barth:

I am enclosing for filing the original and two copies of Defendant Pfizer Inc.'s Notice of Removal, as well as a disk containing this document in PDF format. Please file the original document and return a time-stamped copy to me in the enclosed, self-addressed, pre-paid Federal Express envelope. I am also enclosing a check in the amount of \$259.00 to cover the filing fee.

Thank you for your assistance in this matter.

Very truly yours,



John W. Frazier, IV

JWF:seb
Enclosures

cc: Alexander J. Jamiolkowski, Esquire (with enclosure) (by regular mail)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

J5-0359

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Edward Reott and Carol Reott (b) County of Residence of First Listed Plaintiff <u>ALLEGHENY</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) See Attachment	DEFENDANTS Pfizer Inc. County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) See Attachment
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table border="1" style="width:100%"> <tr> <th>PTF</th> <th>DEF</th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
PTF	DEF	PTF	DEF														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)							
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. Sec. 1332</u> Brief description of cause: <u>Pharmaceutical Products Liability</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	---

VIII. RELATED CASE(S) IF ANY	(See instructions): <u>NONE</u> JUDGE _____ DOCKET NUMBER _____
-------------------------------------	--

DATE <u>3/16/05</u>	SIGNATURE OF ATTORNEY OF RECORD <u>[Signature]</u>
------------------------	---

FOR OFFICE USE ONLY	RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____
---------------------	--

ATTACHMENT

Counsel for Plaintiffs

Alexander J. Jamiolkowski, Esquire
EGAN & JAMIOLKOWSKI
Suite 1609, Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
Tel: 412-765-2120
Fax: 412-765-2996
Email: ejlaw@bellatlantic.net

Counsel for Defendant

John W. Frazier, IV, Esquire
John E. Caruso, Esquire
Richard G. Placey, Esquire
MONTGOMERY, MCCrackEN, WALKER & RHOADS, LLP
123 South Broad Street
Avenue of the Arts
Philadelphia, PA 19109-1099
Tel: 215-772-1500
Fax: 215-772-7620
Email: jfrazier@mmwr.com

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART AThis case belongs on the (Erie Johnstown X Pittsburgh) calendar.

ERIE CALENDAR - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang

1. or Warren, OR any plaintiff or defendant resides in one of said counties.
2. JOHNSTOWN CALENDAR - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. X This case is related to Number _____ Judge _____.
2. X This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C**I. CIVIL CATEGORY** (Place x in only applicable category).

1. () Antitrust and Securities Act Cases
2. () Labor-Management Relations
3. () Habeas Corpus
4. () Civil Rights
5. () Patent, Copyright, and Trademark
6. () Eminent Domain
7. () All other federal question cases
8. X All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. () Insurance indemnity, contract and other diversity cases.
10. () Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 3/16/05 ✓

John W. Frawley, IV
ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.